

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
10 CSR 23-1.040 Variances [Modification by the Division]

PURPOSE: This amendment clarifies the timeframe and procedure for submitting a request for a variance to the department.

*PURPOSE: This rule explains how the **department** [division] may make modifications to the application of the provisions of the rules.*

(1) When strict applicability of any provision of these rules presents practical difficulties or unusual hardships, the **department** [division], in a specific instance, may modify the application of those provisions consistent with the general purpose of these rules and the law. The **department** [division] may then impose certain conditions as are necessary [, *in the opinion of the division,*] to protect the groundwater of the state and health, safety and general well-being of persons using or potential users of the groundwater supply.

(2) [Any] **R[r]**requests for **variances** [modification] shall be submitted [in advance] to the **department** [division] **at least forty-eight (48) hours prior to any regulated work being performed, except as provided in (3) below, and** [in writing on a variance form obtained from the division and shall be signed by the permittee. This request] shall specify [in detail] the nature **and reason** [of] the **variance** is [modification] being sought. [, the reasons and the special precautions to be taken to avoid contamination of the well. The] **R[r]**requests for **construction variances** shall [also] include **at a minimum** the proposed well depth, **desired yield**, casing type and depth, method of construction and grouting, geologic[al] conditions likely to be encountered, [and] **a GPS** location of the well, and possible sources of contamination. Whether or not **a** [the] request[s] **is** [are] granted, the **department** [division] shall state [in detail] the reason[s] for the decision. If the requested **variance** [modification] is approved, the **department** [division] will send [or fax] the requestor a copy of the approved variance form. The approved

variance form must be received by the permittee before construction or modification of the well begins.

(3) Verbal approval may be granted on a case-by-case basis if unforeseen difficulties, for which advanced notice could not be provided, are encountered on site. An official copy of the variance will follow verbal approval.

(4) The approved variance form or approved variance number, must be attached to or noted in the appropriate box on the well certification or registration report form when it is submitted to the department [division].

[(3) A modification request may be initiated by telephone if there are extenuating circumstances associated with a particular well. This request shall be followed by the proper notification procedures as stated previously.]

*AUTHORITY: sections 256.606 and 256.626, RSMo . * Original rule filed April 2, 1987, effective July 27, 1987. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996.*

**Original authority: 256.606, RSMo (1991) and 256.626, RSMo (1985), amended 1991.*